

REMARKS

Claims 1, 11, 12, 21 and 22 have been examined. Claims 1 and 22 have been rejected under 35 U.S.C. § 112, first paragraph, claims 1, 21 and 22 have been rejected under 35 U.S.C. § 112, second paragraph, and claims 1, 11, 12, 21 and 22 have been rejected under 35 U.S.C. § 102(b).

I. Rejections under 35 U.S.C. § 112, first paragraph

The Examiner has rejected claims 1 and 22 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

In regard to claim 1, the Examiner maintains that the specification discloses projections formed on the inside surface of a cover to correspond to electrodes of a battery, but does not disclose that projections are formed on the outside surface of a cover to correspond to the electrodes, as recited in claim 1..

Applicant submits, however, that the specification clearly discloses that projections formed on the outside surface of a cover correspond to electrodes of the batteries. For example, the non-limiting embodiment shown in Figure 1 is disclosed as having a plurality of shock-absorbing ribs 2 formed on the outer surface of battery cover 1 (pg. 17, lines 7-14). The specification further discloses that ribs 2 (which are formed on the outer surface of the battery cover 1) are formed so as to be disposed at positions corresponding to the electrodes of the battery (pg. 19, lines 5-8).

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/809,347

Based on the foregoing, Applicant submits that the specification clearly provides support for the features of claim 1. During a telephone interview with the Examiner on December 16, 2003, in the parent Application No. 09/863,458, now U.S. Patent No. 6,773,850, this issue was discussed. At the time, the Examiner had indicated that the cited portions of the specification appear to overcome the rejection, but that she would further consider the issue upon receipt of Applicant's formal response (see Response filed December 29, 2003).

In view of the above, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1.

In regard to claim 22, the Examiner maintains that the specification does not appear to support the feature of, "each of the plurality of shock-absorbing ribs are positioned so as to be in-line with each of the respectively corresponding plurality of electrodes in a vertical direction." By this Amendment, Applicant has amended claim 22. Applicant submits that the features are clearly shown by at least Figure 1 of the present Application.

II. Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 1, 21 and 22 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

In regard to claim 1, Applicant has amended the language for clarification. In addition, Applicant refers the Examiner to the comments presented above.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/809,347

In regard to claims 21 and 22, Applicant has corrected the dependency issue. In addition, in view of the amendments to claim 22 above, Applicant submits that the remaining rejection under 35 U.S.C. § 112 second paragraph, is overcome.

III. Rejections under 35 U.S.C. § 102(b) in view of U.S. Patent No. 5,800,942 to Hamada et al. (“Hamada”)

The Examiner has rejected claims 11, 12, 21 and 22 under 35 U.S.C. § 102(b) as allegedly being anticipated by Hamada.

A. Claim 11

Applicant submits that claim 11 is patentable over the cited reference. For example, claim 11 recites a battery cover having at least one projection formed on an inner surface, and a fixing member engaged with an electrode of a battery. The projection extends in a direction towards the fixing member, such that a bottom surface of the at least one projection opposes an upper surface of the at least one fixing member.

The Examiner maintains that recesses 17d of Hamada disclose the claimed projection, and anchor nuts 6c disclose the claimed fixing member (Figs. 1 and 11). However, as specifically taught by Hamada, the anchor nuts 6c are accommodated within the recesses 17d (col. 13, lines 45-51). Thus, element 17d is a indentation or depression in the top panel 18, rather than a projection. Accordingly, the recesses 17d do not form a “projection” which extends towards the anchor nut 6c. During prosecution of the parent Application, the Examiner attempted to

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/809,347

maintain that the “walls” of recess 17d are considered projections. Applicant submits that such an interpretation of a “recess” is not customary to one of ordinary skill in the art or otherwise.

Nevertheless, the walls of recess 17d are made so as to surround the anchor nuts 6c.

Accordingly, a *bottom* surface of the walls of the recess 17d do not “oppose” an *upper* surface of the anchor nuts 6c. Rather, since the anchor nuts 6c are accommodated within the recess 17d, the bottom surface of the outer surrounding walls of the recess 17d actually oppose the top lid 5 that surrounds the anchor nuts 6c. Only an *inner* surface of the walls of the recess 17d would oppose the anchor nuts 6c, and this would be a side surface of the anchor nuts 6c.

In view of the above, Applicant submits that Hamada fails to teach or suggest the features of claim 11.

B. Claim 12

Since claim 12 is dependent upon claim 11, Applicant submits that such claim is patentable at least by virtue of its dependency.

C. Claims 21 and 22

Since claims 21 and 22 are now dependent upon claim 1, Applicant submits that the rejection of such claims over Hamada is now improper since claim 1 was only rejected in view of the Henk reference discussed below.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/809,347

IV. Rejections under 35 U.S.C. § 102(b) in view of U.S. Patent No. 4,400,449 to Henk (“Henk”)

The Examiner has rejected claims 1 and 22 under 35 U.S.C. § 102(b) as allegedly being anticipated by Henk.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that the plurality of shock-absorbing ribs are formed so as to be disposed at positions respectively corresponding to positions of a plurality of electrodes of the at least one battery.

In the Examiner’s rejection of claim 1, the Examiner has not discussed the above feature. Due to the rejection under 35 U.S.C. § 112, first paragraph, the Examiner appears to have disregarded this feature. However, for the reasons set forth above, Applicant submits that the features are fully supported by the specification. Since Henk fails to teach or suggest that the ribs 53 are provided at positions corresponding to positions of electrodes of a battery, Applicant submits that claim 1 is not anticipated by the reference.

B. Claim 22

Applicant submits that claim 22 is patentable at least by virtue of its dependency upon claim 1.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/809,347

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Allison M. Tulino
Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
65565
CUSTOMER NUMBER

Date: March 8, 2007